from an injury is instantaneous, no action for the injury survives. *Illinois, etc. R. Co.* v. *Pendergrass*, 69 Miss. 425, 12 So. 954; *Dillon* v. *Great Northern Ry. Co.*, 38 Mont. 485, 100 Pac. 960. See *Hansford* v. *Payne*, 11 Bush (Ky.) 380, 385. But *cf. Murphy* v. *New York, etc. R. Co.*, 30 Conn. 184; *Worden* v. *Humeston, etc. R. Co.*, 72 Iowa 201, 33 N. W. 629. Nor is there a survival, if there was conscious suffering which was substantially contemporaneous with death. *The Corsair*, 145 U. S. 335, 348. It is said that the deceased never suffered damage substantial enough to give him a cause of action which could survive. It would seem to follow, as the principal case holds, that no action survives in cases where the decedent lived for a time, but was never conscious. See *St. Louis, etc. Ry.* v. *Craft*, 237 U. S. 648, 655. But the weight of authority takes a contrary view. *Bancroft* v. *Boston, etc. R. Co.*, 93 Mass. 34; *Olivier* v. *Houghton, etc. Ry.*, 134 Mich. 367, 96 N. W. 434.

EQUITY — JURISDICTION — POLITICAL RIGHTS; INJUNCTION TO PROTECT. — One Gilmore, a Democrat, is candidate for Railroad Commissioner. The State Democratic Committee is about to nominate one Hurdleston for the office. TEXAS REV. STAT. 1911, § 3173, forbids the state committee of a party to nominate candidates. TEXAS REV. STAT. 1911, § 3143, authorizes a *mandamus* to enforce the prior statute; and TEXAS REV. CR. STAT. 1911, § 226, makes its violation criminal. Gilmore seeks to enjoin the committee from making the nomination. *Held*, that an injunction will issue. *Gilmore* v. *Waples*, 188 S. W. 1037.

Although all political rights are considered legal rights, yet between purely political rights and civil rights the courts draw a distinction. The overwhelming weight of judicial authority is to the effect that courts of equity will not protect those political rights which do not involve civil rights. *Fletcher* v. *Tuttle*, 151 Ill. 41, 37 N. E. 683; *Kearns* v. *Howley*, 188 Pa. 116, 41 Atl. 273; *Green* v. *Mills*, 69 Fed. 852; *State* v. *Aloe*, 152 Mo. 466, 54 S. W. 494; *Winnett* v. *Adams*, 71 Neb. 817, 99 N. W. 681. See 5 POM. EQ., 3 ed., §§ 331, 332; KERR, INJUNCTION, 4 ed., 8. Most of these cases proceed on the ground that there has been no tort at law, a position perhaps open to some doubt. See Pound, "Equitable Relief against Injuries to Personality," 29 HARV. L. REV. 640, 681; 30 HARV. L. REV. 172, 174. However that may be, it must be clear that the use of an equitable remedy in a case like the present, where the appeal is from a party body and the injunction runs to them, involves practical difficulties very serious in character. Policy leaves the redress of this class of wrongs to the voters. See *Winnett* v. *Adams*, 71 Neb. 817, 825, 99 N. W. 681, 684. The statutory remedy by *mandamus*, too, seems as sufficient as it is convenient. And if it was a sound principle of equity before the statute passed that political rights would not be protected, it must be so still, for most political rights are "legal" rights whether or not they are recognized by statute. The distinction is between political and civil, not political and legal, rights.

EVIDENCE — HEARSAY — EVIDENCE OF INTERPRETATION OF OPPONENT'S DECLARATIONS. — In an action for personal injuries, the defendant set up a release by the plaintiff. The plaintiff, a Pole, seeks to show that he signed this without knowledge of its nature. It was proved that the defendant's agent, when securing the plaintiff's signature, had used a bystander as an interpreter. The defendant offers the testimony of the agent as to what, during the interview, the interpreter had told him that the plaintiff said. *Held*, that this is admissible. *Grocz* v. *Delaware & Hudson Co.*, 161 N. Y. Supp. 117.

In conformity to the rule against hearsay, a participant in a conversation carried on through an interpreter may not generally testify to the interpretation of what was said by the other speaker. *State* v. *Noyes*, 36 Conn. 80. But it is well settled that such evidence may be introduced by one party to the suit

when the person interpreted is an opposing party. Since the latter has availed himself of this method of communication, the interpreter is regarded as an agent and his statements are received as admissions. *Miller* v. *Lathrop*, 50 Minn. 91, 52 N. W. 274. See 1 WIGMORE, EVIDENCE, § 668. Accordingly anyone who has heard a conversation through an interpreter between a third person and one party to a suit may, as a witness of the other party, testify to the whole conversation, although he understands only the language of the third person. *Commonwealth* v. *Vose*, 157 Mass. 393, 32 N. E. 355; *Meacham* v. *State*, 45 Fla. 71, 33 So. 983. This view that the interpretation is an admission of the interpreted party would of course not render admissible evidence of the interpretation of a third person's statements or of the statements of the party offering the evidence. Nor would it admit evidence of the interpretation of the opposing party where there was no actual agency. Yet a fictitious sort of agency has been raised to admit this evidence where the facts do not establish an actual agency. *People* v. *Randazzio*, 194 N. Y. 147, 87 N. E. 112. It might be better to make a frank exception to the hearsay rule on the grounds of practical convenience and admit evidence of the interpretation of a statement, wherever evidence of the statement itself is admissible.

INJUNCTIONS — ACTS RESTRAINED — SUITS AGAINST VENDEES OF A PATENT INFRINGER. — The plaintiff is an established manufacturer of wireless apparatus, and the defendant a competitor just starting in the business. The plaintiff brings suit against defendant for infringement of patents, seeking an accounting of profits and assessing of damages. The plaintiff then starts three other similar suits against defendant's vendees. The defendant files a petition alleging that the plaintiff is about to bring many more such suits in widely scattered places, and that unless relief be granted the defendant's business will be ruined. The defendant prays for a temporary injunction against pending and future suits involving vendees until the "parent" suit against defendant is settled. *Held*, that the bringing of future suits will be enjoined upon the filing of a bond by the defendant to secure payment to the plaintiff in case the latter succeeds in the "parent" suit. *Marconi Wireless Tel. Co.* v. *Kilbourne & Clark Mfg. Co.*, 235 Fed. 719.

If suits were maliciously brought to ruin the defendant's business, without belief in the validity of the patent or the fact of infringement, there would be an abuse of a legal right and an injunction should follow. See *Emack* v. *Kane*, 34 Fed. 46. But even if the suits were brought in good faith the plaintiff should be enjoined. It is true that where a patentee is suing joint tortfeasors in separate suits for infringement, one defendant cannot stay the prosecution of the other suits without showing injury to himself. See *Sherman, Clay & Co.* v. *Searchlight Horn Co.*, 225 Fed. 497. Though in certain cases all defendants by acting together might secure a settlement of the issue in one suit through a bill of peace. See *Foxwell* v. *Webster*, 4 De G., J. & S. 77. But when, as in the principal case, one defendant is a seller and the other defendants are his customers, the seller is under a moral duty to defend his customers' suits, and is injured directly in his business. Wherefore equity will enjoin this multiplicity of suits. *Commercial Acetylene Co.* v. *Avery, etc. Co.*, 159 Fed. 935; *Stebler* v. *Riverside, etc. Ass'n*, 214 Fed. 550. The balance of convenience for the issuance of such injunction is clear. The injury is certainly irreparable. Further, there is a public interest against allowing the courts to be filled with useless suits. See *Ide* v. *Ball Engine Co.*, 31 Fed. 901, 904. And the defendant cannot be said to have brought the injury upon himself by delaying the "parent" suit. *Cf. Kryptok Co.* v. *Stead Lens Co.*, 190 Fed. 767. Nor is the plaintiff deprived of any substantial right. For a decree for profits and damages against defendant, when satisfied, will give the vendees all rights as to the machines involved in the decree. *Stebler* v. *Riverside, etc. Ass'n*, 214 Fed. 550.